IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7830 of 2007()

O.R.NO.30/2007 OF THE THAMARASSERY FOREST RANGE

: PETITIONER/ACCUSED NO.1

BENNY, S/O.KURIAN,
KANIPPALLI HOUSE, MUNDOOR P.O.,
KODANCHERY, KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA THROUGH THE
FOREST RANGE OFFICER, THAMARASSERY,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7830 of 2007

Dated this the 19th day of December 2007

O R D E R

Application for anticipatory bail. The petitioner is the first accused. Altogether there are two accused persons. They face allegations under the Kerala Forest Act. The crux of the allegations is that the accused persons cut and removed five trees from a reserve forest. The alleged incident took place on 21/11/2007. The petitioner was apprehended by the forest officials. They did not think it necessary to arrest and detain him. He was allowed to go away. The statement of the petitioner was also recorded before he was allowed to go away. Later, the second accused has been arrested. He was produced before the court. At that stage, apprehending that the petitioner may also be arrested, the petitioner has come to this court seeking the directions under Section 438 Cr.P.C.

2. The learned Public Prosecutor does not oppose the prayer for anticipatory bail and I am satisfied in the facts and circumstances of this case that the petitioner can be granted anticipatory bail now.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 26/12/2007. He shall be released on regular bail on condition that he executes a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 27/12/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month and subsequently as and when directed by the investigating officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(iv) If he were arrested prior to 26/12/2007, he shall be released from custody on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 26/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007